

### **REMARKS / ARGUMENTS**

Claims 1-25 are pending in the instant application. Claims 1, 10, 17 and 21 are independent. Claims 2-9, 11-16, 18-20 and 22-25 depend from independent claims 1, 10, 17 and 21, respectively. Claims 1-20 have been cancelled. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-4, 6-8 and 10-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPP 2002/0059621 ("Thomas"), in view of USP 6,055,314 ("Spies"). Claims 5 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas and Spies in view of USPP 7,134,131 ("Hendricks"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

The BPAI Decision (mailed 2/4/2011) REVERSED the rejection of claims 21-25 (See BPAI Decision at p. 11). Therefore, the Applicant considers claims 21-25 as allowable subject matter. Accordingly, the Applicant has cancelled claims 1-20 (as set forth above), leaving claims 21-25. Based on the above, the Applicant submits that claims 21-25 are allowable.

In general, the Decision on Appeal and Final Office Action make various statements regarding claims 1-25 and the cited references, which statements are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such

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statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

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### **CONCLUSION**

Based on at least the foregoing, the Applicant believes that claims 21-25 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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